

JAP:MMH

**13 M 1057**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

COMPLAINT

- against -

(21 U.S.C. § 846)

JOSEPH MICHAEL SCHILIRO,

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL J. FERNANDEZ, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

On or about December 4, 2013, within the Eastern District of New York and elsewhere, the defendant JOSEPH MICHAEL SCHILIRO did knowingly, intentionally and unlawfully conspire to possess with intent to distribute a substance containing methylene, a Schedule I controlled substance

(Title 21, United States Code, Section 846)

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), and have been involved in the

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<sup>1</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

investigation of numerous cases involving the importation and distribution of narcotics. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about November 14, 2013, U.S. Express Mail parcel no.

EA121341657HK was mailed from Hong Kong to the United States. Parcel no.

EA121341657HK was processed through the United States Postal Service ("USPS") sorting facility in New York City on November 16, 2013 and arrived at the Flushing, Queens U.S. Post Office on November 18, 2013. Inside parcel no. EA121341657HK were eight additional parcels, each with a different recipient name and recipient addresses. Included among these eight parcels was a small box, approximately 8" by 5.5" by 5.5" in size, covered in grey and clear tape ("SUBJECT PARCEL 1").

3. SUBJECT PARCEL 1 was pre-labeled with a USPS shipping label bearing the tracking number 9405 5102 0079 3880 3200 11. The shipping label had a recipient name and address of "JD Electronic Repair, 1936 Hempstead Tpke Ste 277, East Meadow, NY 11554-1712" and a return address from Flushing, New York. An additional sticker was affixed on SUBJECT PARCEL 1 indicating that it contained the chemical "Ammonium Thiosulfate." Manual manipulation of the package revealed a crunching noise consistent with the noise produced from rock-form Schedule I-controlled narcotics, such as MDPV, Methyldone, and Mephedrone, which, in my experience, are often sent from China and Hong Kong to the United States via mail packages.

4. I reviewed law enforcement databases and determined that the address for SUBJECT PARCEL 1 was a UPS Store in East Meadow, New York (the "UPS Store"). On November 20, 2013, HSI subpoenaed information regarding mailbox 277 from the UPS Store. From this subpoena, Special Agents from HSI learned that mailbox 277 was vacant, but that the owner of mailbox 177 had advised employees at the UPS Store, in sum and substance and in part, that any packages sent to mailbox 277 are for him. According to the Mailbox Service Agreement with the UPS Store, the renter of box 177 is listed as "Joseph Schiliro, Endurance XP, 414 Avalon Pl, East Meadow, NY 11554, 516-993-5673, Josephgo7@yahoo.com." Checks of law enforcement databases indicate that the defendant JOSEPH MICHAEL SCHILIRO has prior felony convictions for narcotics offenses. Checks of Western Union records indicate that the defendant JOSEPH MICHAEL SCHILIRO has made several recent wire transfers to individuals in China in dollar amounts consistent with kilogram-size purchases of Schedule I synthetic narcotics.

5. On or about November 22, 2013, a search warrant was issued by Honorable Robert M. Levy to search SUBJECT PARCEL 1. The substance contained in SUBJECT PARCEL 1 was tested at the United States Customs and Border Protection ("CBP") laboratory and tested positive for methylone, a Schedule I controlled substance.

6. Meanwhile, on or about November 21, 2013, United States Postal Service ("USPS") Express Mail parcel No. EA100025858HK ("SUBJECT PARCEL 2") arrived at the USPS mail facility at John F. Kennedy International Airport ("JFK") in Queens, New York. The package listed the sender address as Sheng Tian Co. Ltd., Room J 6/F Block 3 Hon Sing Gardens, Tseung Kwan, Hong Kong. The package listed the recipient name and address as "Innovate

Inventions Inc. Att: Joseph, 1461 1st Avenue #261, New York, New York 10075" ("the Subject Address"). The Subject Address belongs to Neighborhood Postal Centers, a business which provides mail, copying and shipping services.

7. On or about November 21, 2013, CBP officers opened and inspected the contents of SUBJECT PARCEL 2 pursuant to a routine customs examination. Inside the package, the CBP officers located one silver bag containing a clear plastic bag. The clear plastic bag contained a rock-like substance. A field-test for 3,4-Methylenedioxypyrovalerone ("MDPV"), a Schedule I controlled substance, was administered and produced a positive result. The substance contained in SUBJECT PARCEL 2 was tested at the DEA laboratory and tested positive for methylone, a Schedule I controlled substance. In total, the methylone recovered from SUBJECT PARCEL 2 weighed approximately 2,025 grams.

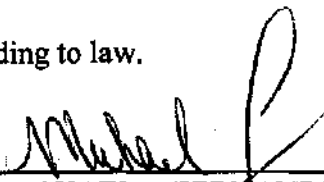
8. On or about November 22, 2013, HSI Special Agents went to Neighborhood Postal Centers and requested information about the Subject Address. According to the Mailbox Service Agreement with the Neighborhood Postal Center, the renter of box #261 is listed as "Joseph Schiliro, 414 Avalon Pl, East Meadow, NY 11554." Attached to the Mailbox Service Agreement is a copy of a New York State driver's license issued to the defendant JOSEPH MICHAEL SCHILIRO and containing a photograph of the defendant.

9. On or about December 4, 2013, at approximately 11:50 a.m., HSI Special Agents conducted a voluntary interview with the defendant JOSEPH MICHAEL SCHILIRO. The defendant JOSEPH MICHAEL SCHILIRO was informed that he was free to leave the interview at any time and did not have to speak with HSI Special Agents, but he elected to speak with them without an attorney present. In sum and substance and in relevant part, the defendant JOSEPH MICHAEL SCHILIRO admitted to picking up approximately thirty

packages which he knew to contain narcotics including ecstasy, ketamines and steroids; that he was paid between \$1,000 and \$1,500 per package; that his net profit from retrieving packages was \$30,000 to \$35,000; and that he knew SUBJECT PARCEL 1 contained ecstasy. The interview was terminated at that time.

10. At approximately 2:40 p.m., the defendant JOSEPH MICHAEL SCHILIRO was advised of his Miranda rights and agreed to speak with HSI Special Agents without an attorney present. The defendant JOSEPH MICHAEL SCHILIRO reiterated his earlier statements. He further stated, in sum and substance and in relevant part, that he owned three firearms which were stored in his residence; that he purchased two semiautomatic rifles in Florida; and that the semiautomatic rifles had been disassembled and shipped to a storage facility in New York, New York.

WHEREFORE, your deponent respectfully requests that the defendant JOSEPH MICHAEL SCHILIRO be dealt with according to law.

  
MICHAEL J. FERNANDEZ  
Special Agent, United States Department of  
Homeland Security, Homeland Security  
Investigations

Sworn to before me this  
5th day of December, 2013

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THE HONORABLE JOAN M. AZRACK  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK